



**Special Magistrate Hearing
August 15, 2024, at 9:00 A.M.
Howey-in the-Hills Town Hall
101 N. Palm Ave.
Howey-in-the-Hills, FL 34737**

MINUTES

I. CALL TO ORDER- ZACHARY J. McCORMICK, SPECIAL MAGISTRATE PRESIDING

Special Magistrate, Zachary J. McCormick, called the Special Magistrate Hearing to Order at 9:00 A.M.

Special Magistrate McCormick reviewed and approved the minutes from the April 18, 2024 Special Magistrate Hearing.

II. SWEARING IN OF ALL THOSE WHO WILL TESTIFY

Town Clerk, John Brock, swore in Code Enforcement Officer, Matt McDonald.

III. STATEMENT OF EVIDENCE

IV. PUBLIC HEARINGS

1.) Subsequent Cases in Compliance – No Fine Due

- A. CASE NO:** CE-23-10-0136
OWNER: KALEB J. ARELLANO

Code Enforcement Officer, Matt MacDonald stated that the owner had brought the property into compliance and the case has been closed out.

2.) New Case not in Compliance

B. SUZETTE AUTRAN & MATTHEW CRAM

CASE NO: CE-24-01-0008
OWNER: SUZETTE AUTRAN & MATTHEW CRAM
OFFICER: MATTHEW McDONALD
VIOLATION:

Town of Howey-in-the-Hills Land Development Code (LDC) Chapter 5.01.07(A).

ORDINANCE DESCRIPTION:

A permit must first be obtained from the Town before any person erects, constructs, enlarges, alters, replaces any fence or wall regulated by this Chapter. The Town's building official may determine that a permit is not required for minor repairs.

VIOLATION DESCRIPTION:

The rear vinyl fence was altered by adding a double gate without a permit.

PARCEL #: 352025020000011700

PROPERTY ADDRESS: Alt Key #3891653 (731 Calabria Way, Howey-in-the-Hills, FL 34737)

Code Enforcement Officer, Matt McDonald identified the case being brought before the Magistrate.

Special Magistrate McCormick asked if there was anyone present to respond to this matter. Special Magistrate McCormick identified that at the time was 9:04 AM there was no one responding.

Special Magistrate McCormick asked if the Town had proof of service. Officer McDonald showed proof of service in his presentation.

Officer McDonald asked to introduce exhibits 1 through 15. The exhibits included:

- #1 – 3 pages – A copy of the Property Record card and a copy of the Warranty Deed
- #2 – 1 page – A copy of Building Permit 100-19FN (the original building permit for the fence pulled by the builder Dream Finders in 2019)
- #3 – 1 page – A picture of the back of the fence from October 5, 2023, showing the fence prior to being altered.
- #4 - 1 page – A picture of the back of the fence from January 16, 2024, showing the fence have been altered with entry gates.
- #5 – 1 page – A screenshot of the Town permit system showing that no building permit for altering the fence has been issued or approved.
- #6 – 1 page – Another screenshot from the Town's permitting system showing that there were no approved/issued fencing permits.
- #7 - 6 pages – 6 pictures showing the modified section of fencing, with the gate, with dates ranging from June 13, 2024, to August 12, 2024.
- #8 – 2 pages – A copy of the Notice of Violation that had been certified mailed on 4/10/2024.
- #9 – 1 page – A picture of the Notice of Violation that had been posted at the house on 4/10/2024.
- #10 – 1 page – A picture of the Notice of Violation that had been posted at Town Hall on 4/10/2024.
- #11 – 1 page – a copy of the Affidavits of Posting for the 2 previous Notice of Violations.

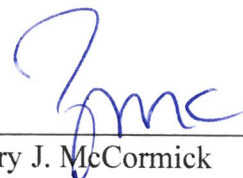
- #12 – 1 page – A copy of the Notice of Hearing and the Statement of Violations.
- #13 - 2 pages – The tracking number and copy of the certified mailing of the Notice of Hearing.
- #14 – 3 pages – Picture of the posting of the Notice of Hearing and Statement of Violation.
- #15 – 1 page – Affidavit of Postings.

Special Magistrate McCormick asked if the Town had a recommendation in this matter. Officer McDonald stated that the Town was requesting a Correction/Compliance date of September 30, 2024, by Obtaining & Receiving a Final Inspection to close said Fence Permit or by returning the fence to its original condition by Removing the Rear Gate. If not in compliance by this date, the Town is requesting a \$100 per day fine commencing on October 1, 2024. The property owner shall notify the Town when compliance has been accomplished. For the Findings of Fact hearing, the Town has incurred a cost of \$67.16, which it is requesting reimbursement regardless of if the property is brought into compliance after the hearing.

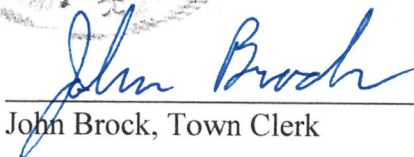
Special Magistrate Ruling: Special Magistrate McCormick found that based on testimony from Officer McDonald, taken under oath, the respondent has failed to properly procure a permit for the installation of a double gate. Service of the Notice was made in accordance with the rule by way of posting it to the front door of the home, as well as publishing it in the Town Hall public bulletin board. Special Magistrate McCormick stated that he would follow the Town’s recommendation, that the property owner be brought into compliance by September 30, 2024, by either obtaining and receiving a Final Inspection to close said Fence Permit or by returning the fence to its original condition by Removing the Rear Gates. If the property owner does not come in compliance by September 30, 2024, beginning October 1, 2024, a fine of \$100 a day will accrue until the property owner does come into compliance. The Town is entitled to recoup its cost of \$67.16 which is due as of August 15, 2024.

V. ADJOURNMENT

Special Magistrate Hearing was adjourned at 09:20 AM.



Zachary J. McCormick
Special Magistrate

John Brock, Town Clerk

10/17/2024

Date